

PART 162-04 WATERSHED MANAGEMENT

Watershed management integrates water quality objectives with land use management. While policy development, legal enabling authority, and environmental regulatory programs are developed at the state level, planning and land regulation are done at the local-government level. Advocacy, however, occurs on a watershed scale and depends on people with expertise about rivers and knowledge of and concern about conditions in local watersheds. Fortunately, such people are widespread in Rhode Island. They act both individually and collectively through local government bodies such as planning boards, conservation commissions, and water supply authorities, and through environmental organizations, recreational groups, and river and pond associations.

Through its classifications and policies, the Rivers Council provides a framework for local action by such groups. Local watershed associations are encouraged to promote effective watershed management under the Rivers Council statute. They are urged to develop river corridor management plans utilizing a multi-objective management approach. River corridor management provides an opportunity for the conservation and enhancement of the natural, cultural, and recreational river resources.

04-01 AUTHORITY OF LOCAL WATERSHED ASSOCIATIONS

Local watershed associations are bodies "corporate and politic, having a distinct legal existence from both the state and any municipalities" (*Section 46-28-8, General Laws of Rhode Island*). Most likely, watershed associations or councils have public education and advocacy roles but often serve land trust functions, as well. As bodies politic, watershed councils have standing "in all state and local administrative proceedings which impact on rivers and water quality" (*Section 46-28-8, General Laws of Rhode Island*). Local watershed councils provide recommendations as necessary to city and town administrators charged with revising local comprehensive plans to maintain consistency with river policies and classifications assigned by the Rivers Council through the State Guide Plan.

Watershed associations recognized by the Rivers Council have authority to:

- advise municipalities on public access;
- establish and support river watch programs;
- negotiate payments between two or more municipalities within the watershed for projects deemed necessary by the watershed council, subject to a majority vote of each city or town council;
- acquire, hold, use, lease, sell, transfer, and dispose of property;

- own, operate, and maintain property;
- sell, lease, convey, or otherwise dispose of to any of the municipalities within the watershed any property or improvements thereto;
- sue and be sued;
- adopt and order a corporate seal;
- adopt by-laws for the management and regulation of their affairs;
- borrow money;
- fix rates and collect charges;
- contract for any lawful purpose that will promote the policies of the Rivers Council;
- enter into cooperative agreements with other cities and towns to promote the policies of the Rivers Council;
- recommend land and water conservation programs to municipalities, consistent with the rivers policies;
- apply for, contract for, and expend any federal or state advances, grants, or assistance.

04-02 DESIGNATION OF LOCAL WATERSHED COUNCILS OR ASSOCIATIONS

The Rivers Council is charged with establishing and recognizing local watershed councils, which may be existing or new organizations. The Council recognizes that watershed planning and protection will only succeed with strong support at the local level. Organizations formed to promote and protect rivers and their watersheds will be encouraged and supported by the Rivers Council.

04-02-01 Rivers Council Criteria for Designation of Watershed Councils

The Council will recognize a watershed council for each of the watersheds identified in this plan. The recognition will be based on the following criteria.

1. Watershed councils must advocate for the entire river and its associated watershed.
2. Public education shall be a significant part of the organization's mission.
3. The watershed council should have a strategy for participation in public policy deliberations affecting the watershed.

4. The watershed council must include a representative from each Rhode Island community in the watershed area.
5. Watershed councils must be incorporated or chartered and should have tax-exempt status, as appropriate.

04-02-02 Procedure for Designation of Watershed Councils

The process for designating watershed councils shall consist of the following:

1. The Rivers Council will solicit applications for designation of local watershed councils, and the solicitation shall include the designation criteria. A copy of the solicitation, with an explanatory letter, will be sent to the chief executives of the communities within the watershed. There will be a 60-day deadline for response to the solicitation.
2. Following the deadline, the Rivers Council shall have 60 days to review the applications for completeness and conformity with the criteria established in Section 04-02-01 of the Rivers Plan.
3. Once qualified, the Rivers Council shall notify the applicants, as well as the chief executives of the affected communities of the status of each request for designation.
4. In accordance with the guidelines established under the Administrative Procedures Act, the Rivers Council shall hold a public hearing on the proposed designations.
5. The Rivers Council shall adopt, by rule, a list of duly designated local watershed councils.
6. Watershed council designations shall be reviewed by the Rivers Council and renewed, if appropriate, at least once every five years.

04-02-03 Submission of Annual Reports

Once designated, watershed councils will be required to submit a brief annual report to the Rivers Council. The annual report shall include the following information:

- a) organizational status, including membership;
- b) activities of the watershed council for the year;
- c) overview of the status of the watershed, including a review of river classifications and the application of river policies.